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Attorneys for Defendant
HOMAX PRODUCTS, INC.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

SAN FRANCISCO TECHNOLOGY INC.,

Plaintiff,

v.

AERO PRODUCTS INTERNATIONAL
INC., BP LUBRICANTS USA INC., BRK
BRANDS INC., CALICO BRANDS INC.,
COOPER LIGHTING LLC, DAREX LLC,
DEXAS INTERNATIONAL LTD., DYNA-
GRO NUTRITION SOLUTIONS, FISKARS
BRANDS INC., GLOBAL CONCEPTS INC.,
HOMAX PRODUCTS INC., KIMBERLY-
CLARK CORPORATION, KRACO
ENTERPRISES LLC, LIXIT
CORPORATION, MEAD WESTVACO
CORPORATION, NUTRITION 21 INC.,

Case No. 10 CV-02994-JF

**DECLARATION OF ROSS CLAWSON IN
SUPPORT OF HOMAX PRODUCTS,
INC.'S MOTIONS TO DISMISS
PURSUANT TO RULES 12(B)(1) AND
12(B)(6)**

Judge: Hon. Judge Jeremy Fogel
Date: October 1, 2010
Time: 9:00 a.m.
Courtroom: Courtroom 3, 5th Floor

OATEY CO., OPTIMUM TECHNOLOGIES
INC., NEWELL RUBBERMAID INC.,
SCHICK MANUFACTURING INC., THE
SCOTTS COMPANY LLC, STERLING
INTERNATIONAL INC., VITAMIN
POWER INCORPORATED,
WOODSTREAM CORPORATION, 4-D
DESIGN INC.,

Defendants.

I, Ross Clawson, declare and state as follows:

1. I am the President of Homax Products, Inc., which is a Delaware corporation with corporate headquarters at 200 Westerly Road, Bellingham, Washington 98226 (hereinafter, "Homax").

2. I have been associated with Homax for 17 years, and I have held my current position since 1999. I am authorized to make this Declaration on behalf of Homax.

3. In my capacity as President of Homax Products, Inc., I have developed a broad knowledge of the products that the company sells. I am also familiar with the competitors and competing products in the marketplace.

4. As pertains to Homax, the Complaint filed by San Francisco Technology Inc. in the above-captioned case mentions only two Homax products by name—the Homax Orange Peel & Knockdown Ceiling Texture Vertical Spray product and the Homax Acoustic Patch Ceiling Repair product. (*See* Dkt. 1, Compl. ¶¶ 105-09.) Products such as these can be referred to generally as aerosol spray texture consumer products.

5. Homax's primary competitor in the marketplace for aerosol spray texture consumer products has been a company called Spraytex, Inc. ("Spraytex"). Spraytex itself owned a large portfolio of its own patents including many related to aerosol spray texture consumer products.

6. U.S. Patent No. 4,802,057 is neither a Homax patent nor is it a patent number

1 marked upon either the Homax Orange Peel & Knockdown Ceiling Texture Vertical Spray
2 product or the Homax Acoustic Patch Ceiling Repair product.

3 7. The Homax Orange Peel & Knockdown Ceiling Texture Vertical Spray product
4 and the Homax Acoustic Patch Ceiling Repair product are both relatively durable consumer
5 products with long shelf-lives. Neither of these products are subject to spoilage.

6 8. I have personal knowledge of the matters stated herein. If called as a witness, I
7 could and would testify competently to the matters stated herein.

8
9 The statements herein are made of my own knowledge and are true. I understand that
10 willful false statements are punishable by fine or imprisonment or both under 18 U.S.C. § 1001.

11
12 Dated: August 12, 2010


13 Ross Clawson